

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MeadWestvaco Corporation)	
<i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:10cv511 (GBL/TRJ)
)	
Rexam PLC)	
<i>et al.</i> ,)	
)	
Defendants.)	
)	

MEMORANDUM OPINION AND ORDER

This matter is before the court on plaintiffs’ motion to compel (no. 272). At issue is the refusal of defendants Valois S.A.S. and Valois of America, Inc. (collectively, “Valois”) to admit plaintiffs’ requests for admission regarding the XRD crystallinity content of what the parties refer to as Valois’s old tube and new tube. The parties presented arguments to the court in their briefs and in a hearing held on May 31, 2011, as well as in supplemental briefs ordered by the court to be filed after the deposition of Valois’s supplier. The court does not find Valois’s arguments to be persuasive, however.

Pursuant to Fed. R. Civ. P. 1, the Federal Rules of Civil Procedure are to be “construed and administered to secure the just, speedy, and inexpensive determination of every action and proceeding.” It is clear from the record that there is no evidence to contradict plaintiffs’ evidence that the crystallinity claims of plaintiffs’ patents read on both Valois’s old and new tubes. Valois’s assertion that it is entitled to put plaintiffs to their proof ignores the central purpose of

the requests for admission rule, Fed. R. Civ. P. 36, in light of the principles enunciated in Fed. R. Civ. P. 1.

The issues covered by plaintiffs' requests for admission 20-22 and 48-50 are not seriously in dispute. No adequate reason is shown why they should not be deemed admitted pursuant to Fed. R. Civ. P. 36(a)(6). The court finds that they should be.

It is accordingly ORDERED that the motion is GRANTED.

ENTERED this 14th day of June, 2011.

/s/

Thomas Rawles Jones, Jr.
United States Magistrate Judge

Alexandria, Virginia